

# HUGHES SAYS MILLER'S WORK IS AN OBJECT LESSON TO ALL OTHER STATES

## LAWYERS SUPPORT JUDGE JOHNSTONE

Non-Partisan Committee of Forty-five Urges Election to General Sessions.

## REVISED CRIMINAL LAW

Backers Emphasize Jurist Won 90 Per Cent. of Cases as District Attorney's Aid.

Forty-five prominent members of the bar of both political parties have written an endorsement of Judge Robert S. Johnstone for election as Judge of the Court of General Sessions.

Although Judge Johnstone is an appointee of Gov. Miller, having been promoted to the bench from the District Attorney's office, which he served for twenty years.

The group of lawyers includes Samuel Untermyer, Charles S. Whitman, Henry W. Taft, George W. Wickersham, Henry A. Wise, William Rand, Clarence J. Shearn, Martin Conboy, Gordon Auchincloss, Samuel A. Berger, Edgar T. Brackett and Emory R. Buckner.

The lawyers believe the Judge's training and experience, as well as the character of his judicial decisions, have demonstrated that he is qualified. Judge Johnstone started his public career in 1902 as a Deputy Assistant District Attorney under William Travers Jerome. He was reappointed by Charles S. Whitman in 1911 and promoted to Assistant District Attorney. He was continued in that office successfully by District Attorneys Charles A. Perkins, Edward Swann and Joseph H. Banton.

"He is recognized," said a statement given out yesterday by the lawyers, "as a specialist in criminal law and procedure. By his work in that branch he has aided extensively in building up the general structure of criminal jurisprudence. He has been eminently successful in his professional work, having won approximately 90 per cent. of the cases which he argued. These cases involved practically every phase of the criminal law, and many of them were of far-reaching importance."

Judge Johnstone took a prominent part in drafting legislation to modernize criminal law procedure. During the Lockwood Committee's investigation he aided in the prosecution of cases arising from the housing inquiry, being assigned to work with the committee's counsel, although technically the District Attorney's office was superseded by the Attorney General.

For many years Judge Johnstone had charge of the Appeal Bureau of the District Attorney's office. It was during this time that Gov. Miller, as Justice of the Appellate Division and later as a Judge of the Court of Appeals, became familiar with his work.

"We believe," the Judge's supporters say, "in the principle that, regardless of political affiliations, judges who have proved their qualifications should be retained in office. This principle applies to Judge Johnstone."

In addition to those mentioned, the following are among the lawyers making the appeal for his election: Henry De Forest Baldwin, C. C. Burlingham, Joseph H. Canate, Jr., Charles E. Hughes, Jr., George L. Ingraham, Stanley M. Isaacs, William Travers Jerome, John H. Iselin, C. C. Lockwood, H. Snowden Marshall, Louis Marshall, Robert Grier Monroe, Charles A. Perkins, John Quinn, Stanley L. Richter, Leonard M. Wallstein, W. M. K. Olcott, Kenneth M. Spence and Lloyd P. Stryker.

**OGDEN MILLS HECKLED; UPHOLDS BONUS VOTE**

Objects to Classing Soldiers With Civil War Widows.

As Representative Ogden L. Mills, Republican candidate for reelection in the Seventeenth district, was leaving Leslie Hall, Broadway and Eighth-third street, last night after an address he was confronted by a former soldier who asked about the bonus. Mr. Mills replied that he had always been against it. "Didn't you vote recently to give a civil war pension to a widow?" the soldier asked.

"Stop your kidding," said Mr. Mills. "That's ancient history. We're talking about the world war, not the civil war, and about soldiers, not widows."

It was a non-partisan meeting at Leslie Hall, under the auspices of the League of Women Voters of the Seventh Assembly District. Other speakers besides Mr. Mills were Herman A. Metz, his Democratic opponent; Robert McCurdy Marsh, Republican, and William Harman Black, Democrat, nominees for Justice of the Supreme Court; Cornelius F. Collins, Democrat, nominee for Judge of General Sessions; Frank J. Coleman, Jr., Republican, John P. Cohan, Independent, and John P. O'Brien, Democrat, nominees for Surrogate; Nathan L. Strauss, Democrat, Harold Riegelman, Republican and Wilbur T. Stone, Socialist, nominees for the State Senate, and Victor R. Kaufmann, Republican, and Joseph A. McLaughlin, Democrat, nominees for the State Assembly.

**AL SMITH MEETS WIVES OF NOMINEES AT TEA**

Innovation for Former Governor at Biltmore.

Al Smith met the wives of the Democratic nominees, including his own wife, at tea in the Hotel Biltmore yesterday. Mr. Smith at 5 o'clock tea is a new institution.

The hostesses were Mrs. George Gordon Battle and Mrs. John Blair, Mrs. Charles Tuna Gibson was to have been with them, but was called to Virginia. Miss Emily Smith, daughter of the nominee, poured.

**STRAUS RALLY TO-NIGHT.**

Senator's Backers Will Speak in Academy.

The big rally in the campaign to reelect Senator Nathan Strauss, Jr., will be to-night in the Academy, 15 West Seventy-ninth street.

The speakers will include the Senator, Dr. Royal S. Copeland, Mrs. Elizabeth Marbury, Mrs. James Lee Ladd, the Rev. Stephen S. Wise, Vincent Gilroy, George G. Battle and Mrs. Charles L. Tiffany.

**"AL" SMITH, JR., TO SPEAK.**

Law Student Enters Father's Campaign To-night.

Alfred E. Smith, Jr., son of the candidate for Governor, is to make his first campaign speech to-night. He will talk at Acme Hall, Seventh avenue and Ninth street, Brooklyn, at a "non-partisan Smith meeting" arranged by former neighbors of "Al" who now live in Brooklyn. "Al" Jr., is a student in the Fordham Law School and will cast his first vote next Tuesday.

## MEN AND WOMEN GO WILD AS HUGHES LAUDS MILLER

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the Miller administration. His speech follows:

"I am deeply gratified to have this opportunity to add my personal tribute to the character and achievements of the Governor of this State, Nathan L. Miller. It is a privilege before the voters of this State with respect to State issues is a very simple one. The question is whether they desire the continuance of the extraordinary capable administration that they have had under the present Executive. There has been plentiful talk in both parties, and in all our civic organization of the need of an efficient basis in the administration of the State government."

"Nine-tenths of the matters with which the Governor has to deal have really no partisan aspect whatever. They are simply business questions similar to those which the head of a great business organization must meet. You have been blessed with an exceptionally competent administration and if you really want that sort of an administration, not merely to talk about it, it is your high privilege to have it, for the man of proved efficiency is at your command."

**Waste Had to Be Stopped.**

"Two years ago there was one outstanding need in nation and State that dwarfed all others. It was the absolute necessity of immediately stopping extravagance and waste in public expenditures. The opposing party had sufficiently shown its inability to do this. The problem was a basic one, for you could have no prosperity without its solution. The interest of every citizen in the country was at stake. Wasteful outlays, expenditures which had passed beyond the wildest imagination, were sucking up the energy of the government, and I yield to none in the recognition of the importance of securing a well thought out scheme of governmental administration. But it must be remembered that mechanism is not the aim of government, but only the instrumentality. After we must at last come to the man."

"We are fond of contenting ourselves with forms of words, with plausible schemes of administration and with reforms in propositions, we shall be content with the notion that if we can only contrive a new expression or a new statutory provision, we shall be able to improve our condition while we neglect the fundamental requisite of economy and efficiency, without which, under any form, administration is a failure. Administration is a toll-free task for which few in politics have any stomach. You cannot perform it with the glad hand."

"It is to the lasting credit of the Republican party that in nation and State, despite the enormous difficulties in the way, this problem has been successfully attacked, wasteful expenditures stopped and efficiency established."

"In the nation this great achievement has been due to the inflexible purpose and high minded leadership of President Harding. The President has not permitted any selfish interest of any sort to get in the way of a rightly enforced economy in Federal expenditures. Don't forget the figures: they are most eloquent. For the year ended June 30, 1920, our Federal expenditures aggregated \$4,665,690, a year later \$5,355,000, and for the fiscal year 1922, \$5,573,007,000. The President has established a budget control, and, through the cooperation of the Executive and Congress, the promise made two years ago has been fulfilled."

**Yew Thought He Could Do It.**

"In this State the Governor faced a peculiarly difficult task. Few thought that he could accomplish it. All the currents were set in the direction of increased outlays. But Gov. Miller in the most masterful manner, has overcome his difficulties. The tide has been turned and you have, what seemed to be impossible in this State, diminished expenditures and reduced taxation. The situation is strikingly illustrated by the fact that the issue before the people seems to be not how much the Governor's administration has spent but how much it has saved. That in itself tells the story."

"In 1919, when I left the Governorship, the total general budget appropriations amounted to about \$45,000,000. We had had Republican administration for a good many years and had endured constant abuse for alleged extravagance. I confess that in those days I often wished, except for the consequences to the State, that our opponents might have a try at it and that the people could be able to see with their own eyes the amount to which they did have a try at it, and during the next ten years, six years were those of Democratic administration, with the result that in 1920 the general budget appropriations had risen from the \$45,000,000 of 1919 to over \$145,000,000. Of course they had their excuses; they would doubtless have their excuses if they had another chance to spend the people's money."

"What is more significant, so far as present issues are concerned, is that the general budget appropriations made by the Legislature of 1918 amounted to \$1,525,000, and that they rose so rapidly in the next two years that they reached the sum of \$145,000,000, I have mentioned."

"Surely it was time to call a halt and the halt was called. Gov. Miller stopped this seemingly resistless current. Appropriations have been reduced, taxes have been reduced, millions of dollars have been saved to the people of this State. This has been accomplished not only without the sacrifice of the essential interests of the people but with great increase in the development of public works."

**Transit Practically Solved.**

"For a long time this city has been afflicted with its transit problem, and speculation, agitation, and demagoguery had apparently made a solution impossible. The keen and vigorous mind of Gov. Miller attacked this problem. He brought to his aid an especially efficient Transit Commission and secured suitable power to enable it to accomplish its purpose."

"The traction problem is now on its way to solution, a plan having been developed which not only promises escape from an intolerable impasse, but opens the way to relief from the present congestion through new transit facilities which the city badly needs. If Gov. Miller had done nothing more than bring his ability and courage to the settlement of this transit question he would be entitled to the lasting gratitude of the people of New York, whom he had served far more faithfully than any of those who in the name of home rule have done their best to defeat home interests."

"I shall not undertake to review the achievements of this administration which are familiar to you all; rather I would like to refer to some of the qualifications and characteristics of our Governor which have made these achievements possible and which make it of the greatest importance to the State that his services should be continued."

"First, his familiarity with the business of the State is the result of a long and varied training in its service. He knows the business of the State from every point of view and has a complete mastery of its complicated details. Now there is a great difference between acquaintance and mastery. The most foolish persons in the world are those who are oppressed with a burden of facts

which they cannot turn to use. The Governor is a master."

"Gov. Miller's genius of impartiality in administration. All plans for improvement in government are wrecked by favoritism, which is the curse of our politics. It is very difficult to say no to those who have aided and supported you. But the Governor is not elected as the servant of those who have supported him. He is elected as the servant of all the people who are entitled to faithful and impartial administration. That is what we praise when we speak of the genius of our administrative institutions; that is what we rarely get."

**Has Courage to Resist.**

"Gov. Miller has the courage to resist the baleful demands of groups who, though minorities, by strong organization and the terror they inspire seek to control government. They do not control Gov. Miller."

"The reason is that the Governor is indifferent to his political life. No Governor can be a success without that indifference. In the administration of government, as in the higher realms of conduct, it is true that he that saves his life shall lose it. Only where the government is administered in the interest of the people, can the individual life be preserved. The people lose out also. You can have good administration in this State only to the extent that you have in office men who are conscious of the dignity and prize the opportunity of public service, but who are perfectly willing to remain in private life if their public career must be determined by the demands of those who seek governmental favors."

"Ability, disinterestedness and sagacity are not joined in the Governor of this State. That is the reason why it is to your interest, and not especially to his interest, that he should be re-elected."

"I have been always deeply interested in the improvement of the mechanism of government, and I yield to none in the recognition of the importance of securing a well thought out scheme of governmental administration. But it must be remembered that mechanism is not the aim of government, but only the instrumentality. After we must at last come to the man."

**Wishes to See State.**

"As I have said, it is not that we have a government through men, and no mechanism can supply the need if the man is not there. The weaker man, the more important the mechanism. And when you have the proved administrator, the man of extraordinary talent and comprehension, what folly it would be in a discussion about the mechanism, that may happen to be powerful and conspicuous he contents himself with giving everybody a fair deal, big and little. And the man who does that is true to his states. It has been worthy of this, the greatest of all the States; it has been in accord with the highest standards of fidelity and honor; it is stainless and incorruptible. It should be indeed, in the triumphant reelection of Gov. Miller."

Time and time again the Secretary was interrupted by applause and bursts of appreciative laughter, and when he completed one of the most attractive speeches he ever made a demonstration followed him happily to the doorway.

President Butler of Columbia also earned the appreciative plaudits of the audience with his pointed address: "Find out what reasons persons are giving for voting against Gov. Miller and give them all answers. I have interested myself in finding out what reasons were being given by men and women for getting ready to vote against the Republican State ticket, the best service I could render is to tell you what their statements were and how it seems to me they may be most effectively answered."

"The administration of the government in this State during the last two years has been an object lesson to all other states. It has been worthy of this, the greatest of all the States; it has been in accord with the highest standards of fidelity and honor; it is stainless and incorruptible. It should be indeed, in the triumphant reelection of Gov. Miller."

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"In the first place, a man told me with a perfectly straight face, that Gov. Miller had been too good a Governor. When I recovered (laughter) I asked him just what he meant. 'Why,' he said, 'there is no greater mistake than to suppose we want good government. We don't. We want to see the people's money spent wisely. We want to see everybody having a good time. There is nothing in this economy and efficiency business.'"

"My answer to him is that the only place to produce that argument is in an asylum for the feeble minded. One would hardly dare, however much he might fondle it in private, one would hardly dare offer it in public to rational men and women. Think of voting against a public officer because he had been too good a Governor!"

**Suggests Medal for Smith.**

"The second argument was very interesting. Another gentleman said to me: 'I think I ought to vote for Mr. Smith, because he stood up and made a brave fight against Hearst.' I said I could understand why the Democrats could understand why Mr. Smith for that public act, but I do not see why the Republicans should feel any gratitude because whatever majority we have over Mr. Smith would have been multiplied by four over Mr. Hearst."

"I said when a policeman stops a runaway horse, or a brave fireman rescues a child, you give him a hero medal and a vote of thanks, but you don't elect him Governor. Now, I said, the thing you do is to get a hero medal for Gov. Smith and give him a series of engraved resolutions, which he can put on the walls of his home and which he and his children can contemplate as an evidence of public satisfaction and regard for a good piece of work well done; but let the Governorship alone."

"The third reason that I heard was that Mr. Smith had come out for light wines and beers. Now, of course, if by coming out for light wines and beers, a candidate for office can attract a few thousand votes of people who don't care to think that that particular act can do absolutely nothing toward the end which they profess to desire, that may be good politics, but I ask you, is it sincere? Is it really treating the people fairly to come out for some issue on which there may be division of opinion, but as to which and as to the settlement of which this election can contribute nothing whatsoever—absolutely nothing?"

"Over in New Jersey they got tangled up with that issue three years ago. They elected a Governor who stated that if he was chosen he would make New Jersey as wet as the Atlantic Ocean. He is now running for the Senate to see what he can do about it."

"The fourth argument that I have heard is that one must vote for Mr. Smith because Gov. Miller is the friend of the interests. That always pleases me, because it means that he is not a demagogue. That is what that phrase means and nothing else. It means that instead of going up and down this State attacking anybody or any undertaking or any business enterprise that may happen to be powerful and conspicuous he contents himself with giving everybody a fair deal, big and little. And the man who does that is true to his states. It has been worthy of this, the greatest of all the States; it has been in accord with the highest standards of fidelity and honor; it is stainless and incorruptible. It should be indeed, in the triumphant reelection of Gov. Miller."

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